



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Natural Resources

COMMISSIONER'S OFFICE

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August 17, 2016

Ms. Anna Krueger
Economist
U.S. Environmental Protection Agency Headquarters
Mail Code 5303P
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Submitted Via Email to: Krueger.Anna@epa.gov, Mccarthy.Gina@epa.gov,
Sasseville.Sonya@epa.gov, Barr.Linda@epa.gov, Barbery.Andrea@epa.gov,
Hanson.Andrew@epa.gov

Re: Comments on CERCLA Section 108(b) Financial Responsibility

Dear Ms. Sasseville and Ms. Krueger,

I am writing to endorse the comments submitted by the Interstate Mining Compact Commission (IMCC), the Western Governor's Association (WGA), and the Environmental Council of the States regarding the Environmental Protection Agency's (EPA) anticipated rulemaking to require financial assurance for hardrock mining under Section 108(b) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA).

I endorse these comments on behalf of the Department of Natural Resources (DNR), as well as in consultation with and on behalf of the Department of Environmental Conservation (DEC). Both of these agencies currently exercise bonding authority over large mines proposing to operate in Alaska. Both DNR and DEC are concerned about preemption issues that may arise out of any bonding requirements that EPA may promulgate under CERCLA Sec. 108(b) [42 U.S.C. § 9608(b)]. Both state agencies also maintain the preemption concerns raised on their behalf in a letter sent to the EPA by Alaska Senior Assistant Attorney General Cameron Leonard on February 11, 2011 (letter attached).

Thank you for your consideration of these comments. If you have any questions, or would like to discuss our concerns, please contact me at 907-269-8431 or via email at Ed.Fogels@alaska.gov.

Sincerely,

Ed Fogels

A handwritten signature in blue ink, appearing to read 'Ed Fogels', with a stylized flourish at the end.

Deputy Commissioner